

Misbranding was alleged for the reason that the barrels containing the article bore the statement, to wit, "Apple Cider Vinegar made from Selected Apples," which was false and misleading and deceived and misled the purchaser, in that the said article did not contain apple cider vinegar but contained a substance made from evaporated or dried apple products. Misbranding was alleged for the further reason that the statement "Apple Cider Vinegar Made From Selected Apples" was false and misleading and deceived and misled the purchaser, in that the product contained barium. Misbranding was alleged for the further reason that the article was an imitation of and was sold under the distinctive name of another article.

On January 19, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13206. Adulteration of butter. U. S. v. 16 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 19893. I. S. Nos. 21116-v, 21120-v. S. No. W-1677.)

On or about February 21, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cubes of butter, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Ravalli Creamery Co., from Hamilton, Mont., on or about February 9, 1925, and transported from the State of Montana into the State of Oregon, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been mixed and packed with and substituted wholly or in part for normal butter of good commercial quality, and for the further reason that a valuable constituent of the article, namely, milk fat, had been in part abstracted.

On March 4, 1925, the Estes-Dixon Co., Portland, Oreg., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,300, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until it had been reworked to conform to the United States standard for butter.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13207. Adulteration and misbranding of canned corn. U. S. v. 474 Cases, et al., of Canned Corn. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19539 to 19543, incl. I. S. No. 22686-v. S. No. C-5003.)

On January 28, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,313 cases of canned corn, at New Orleans, La., alleging that the article had been shipped by Wm. Numsen & Sons, from New York, N. Y., on or about December 2, 1924, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Derby Brand Sugar Corn * * * Distributed by Wm Numsen & Sons. Incorporated Main Office Baltimore, Md. U. S. A."

Adulteration of the article was alleged in the libels for the reason that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Sugar Corn," appearing on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 17 and March 12, 1925, respectively, Wm. Numsen & Sons, Inc., Baltimore, Md., having appeared as claimant for the property and having confessed the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to

the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,815, in conformity with section 10 of the act, conditioned in part that it be relabeled or reconditioned to meet the requirements of the law, and not be sold or disposed of without having been inspected by a representative of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13208. Adulteration and misbranding of tankage. U. S. v. 70 Bags of Tankage. Default decree entered, ordering product destroyed. (F. & D. No. 17648. I. S. No. 9183-v. S. No. C-4065.)

On July 13, 1923, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 70 bags of tankage, at Leipsic, Ohio, consigned February 7, 1923, alleging that the article had been shipped by the Western By-Products Co., from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bag) "Master Brand Meat Meal Digester Tankage 100 Lbs. * * * Guaranteed Analysis Protein 60.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Protein 60.00%" was false and misleading and deceived and misled the purchaser.

On March 13, 1925, no claimant having appeared for the property, a decree of the court was entered, ordering that the product be destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13209. Adulteration and alleged misbranding of evaporated apples. U. S. v. 3,198 Cases of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19894. I. S. Nos. 24023-v, 24024-v. S. No. C-4679.)

On March 12, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3,198 cases of evaporated apples, at Chicago, Ill., alleging that the article had been shipped by the Hartmann Dried Fruit Co., from Rochester, N. Y., December 30, 1924, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Evaporated Apples," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a substance containing an excessive amount of water or moisture. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, evaporated apples.

On March 30, 1925, the Hartmann Dried Fruit Co., Inc., Rochester, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reconditioned by drying under the supervision of this department, so as to contain not more than 24 per cent of moisture.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13210. Misbranding of cottonseed meal. U. S. v. Consolidated Cottonseed Operating Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 19260. I. S. No. 9192-v.)

On January 5, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Consolidated Cottonseed Operating Co., a corporation, trading at Dallas, Tex.,